

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 20, 2002
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Father Christopher Holwey, St. Mary Orthodox Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of August 13, 2002, were approved 7 to 0.

NEW BUSINESS

PAVE 33RD STREET

PUBLIC HEARING – PAVING 33RD STREET NORTH, EAST OF PORTER. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1732

On July 2, 2002, the City Council adopted a Resolution setting August 20, 2002, as the public hearing date for a proposal to pave 33rd Street North, east of Porter. On August 5, 2002, District VI Advisory Board sponsored a neighborhood meeting on the proposal. The District Advisory Board voted 9-0 to recommend that the City Council order in the paving project.

33rd Street North, east of Porter is a sand road serving a neighborhood comprised predominately of single-family homes. It connects a paved cul-de-sac at its east end to pavement west of Porter.

The estimated project cost is \$137,000 with \$129,750 assessed to the improvement district and \$7,250 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.21 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

State Statutes provide the authority for the City Council to order in the paving.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

The following persons spoke against the paving project:

Charles Schmaltz, 1309 West 33rd Street North
Kenneth Misemer, 1234 West 33rd Street North
Rodney Armour, 1300 West 33rd Street North
Sharon Minor, 1226 West 33rd Street North
William Wasylik, 3372 Riverdale Road

Motion --

-- carried

Fearey moved that the project not be approved; and Staff be directed to develop an over-all improvement plan to be presented to the District Advisory Board. Motion carried 7 to 0.

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WATERLINE

PETITION TO CONSTRUCT A WATERLINE ALONG JULIA, BETWEEN TAFT AND UNIVERSITY. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1733

The signatures on the Petition represent 1 of 1 (100%) resident owners and 70.27% of the improvement district area. District V Advisory Board held an August 5, 2002, neighborhood hearing on the Petition. The Board voted 9-0 to recommend denial because of concerns with the distribution of special assessments to the residential lots.

The project will serve a new development and a partly developed residential area.

Financial Considerations: The estimated project cost is \$28,000, with the \$25,200 assessed to the improvement district and \$2,800 paid by the Water Utility. The Utility share is for the cost of eliminating a dead-end main. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$2,800 per residential lot and \$14,000 to a commercial lot.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Ms. Reed

Ms. Reed, 13422 East 132nd, Brighton, Colorado, owner of lots 1, 2, and 3, spoke against the project. Ms. Reed expressed concern about the assessed costs as being unfair.

Mike Milney

Owner of Lots 4 and 5, West Maple Addition, spoke against the project.

Motion --

Martz moved that the project be approved; the Resolution, on a square-foot assessment basis, be adopted; and that the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-392

Resolution of findings of advisability and Resolution authorizing construction of water Distribution System Number 448-89684 (along Julia, between Taft and University), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ACCESS MGMT.

ACCESS MANAGEMENT POLICY.

Steve Jordan

Traffic Engineer reviewed the Item.

Agenda Report No. 02-1734

This policy will provide new access guidelines for arterial streets that apply to primarily new subdivisions and site plans. This initiative included the review of the existing access management guidelines, as well as new standards to improve mobility and safety along the community's major arterial street system. Staff has worked with Sedgwick County officials in formulating this new policy in order to provide consistent standards for development within and outside the City limits.

A task force consisting of design engineers, realtors, contractors, internal staff members, and other interested groups were formed in 2000 to develop these comprehensive access management standards. As part of this process, a draft "Access Management Policy" study was completed and presented by TranSystems Corporation that outlined general guidelines used within the industry. Through a series of

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meetings with the task force, internal staff, and the Area Builders Association, these standards were adapted for use within the community.

This proposed Access Management Policy has been endorsed by the Task Force. District Advisory Boards and Metropolitan Area Planning Commission have reviewed this policy in advance of Council action. No substantive changes have been made to the May 28th version endorsed by the Task Force. The Sedgwick County Commissioners will take action on the new policy in September.

There are no financial considerations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Wes Galyon

Wichita Area Builders Association urged approval of the Policy.

Motion -- carried

Pisciotta moved that the Access Management Policy be approved. Motion carried 7 to 0.

BUILDING CODE

MINOR AMENDMENTS TO THE BUILDING CODE (TITLE 18).

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 02-1735

In February 2002, the City Council amended title 18 of the City Code to adopt the 2000 editions of the International Building/Residential Model Code (IBC/IRC) as the City's Building Code. The year 2000 code cycle was the first time that the IBC/IRC Model Code was published, replacing the three different, national model building codes that had been used by local jurisdictions around the country for 35+ years. The idea of a single, national model building code has been supported and endorsed by most national design, building, building owner, housing construction and other building construction groups, primarily because it will provide better consistency and greater efficiency in design and construction throughout the United States.

In the six months since adoption of the IBC/IRC by the City Council, the International Code Council (publisher of the International Codes) has issued several "Supplements" that have modified or clarified certain provisions of the 2000 IBC/IRC. Also, as the 2000 International Codes have been used locally in actual building design, it has become evident that several local "cleanup" and/or clarifying amendments are necessary.

Over the past several months, OCI staff has worked with members of the design and building community to assemble proposed local, "cleanup" or clarifying amendments to the Building Code. On August 5, 2002, staff presented these proposed "cleanup" amendments to the Board of Code Standards and Appeals (BCSA) at their regularly-scheduled public meeting. After review and discussion, the BCSA recommended adoption of the proposed "cleanup" amendments to Title 18. All of the proposed "cleanup" amendments provide additional design alternatives or simply clarify existing regulations. None of the proposed amendments are more restrictive in nature.

The proposed cleanup amendments are being requested for the following reasons:

SECTION 01: Section 18.05.317 (IBC Section 406.3.4): This proposal would allow mixed-use occupancies as part of an open parking garage, subject to certain restrictions. The changes have been approved on the national level and are part of the 2002 Accumulative Supplement to the 2000 IBC. The change will allow more flexibility in design and use of structures.

SECTION 02: Section 18.05.318 (IBC Section 406.6.2): The 2000 IBC is far more restrictive on automotive repair facilities, in that, minor accessory uses such as offices and waiting areas require a three-hour fire barrier between the uses. The proposal would allow minor accessory uses up to 25 percent of the major use to be non-separated, similar to the '97 Uniform Building Code.

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SECTION 03: Section 18.05.395 (IBC Section 705.1): Under the 2000 IBC, the requirements for firewalls (area separation walls under the '97 UBC) became more restrictive. The change is a good provision, in that it offers better fire protection and more closely resembles the goal of providing "separate structures" (IBC requires "independent" construction for the firewall, whereas the UBC did not). The problem the amendment addresses is where a building addition is proposed such that it requires the minor extension of the non-conforming "firewall", it would allow continuation of the UBC provisions. This would simplify design issues and maintain the integrity of the firewall.

SECTION 04: Section 18.05.415 (IBC Section 901.1): The 2000 IBC introduced a number of new fire area requirements that established the limits for non-sprinklered construction. The amendment addresses minor expansions of existing "fire areas", so that the requirement for sprinklers or fire barriers would not trigger until a larger increase is proposed.

SECTIONS 05, 06, 07 and 08: (Section 18.05.600 or IBC Section 1003.3.1.4, Section 18.05.635 or IBC Section 1003.3.3, Section 18.05.682 or IBC Section 1005.2.1, and Section 18.05.683 or IBC Section 1005.3.2): These proposed amendments all relate to access and exiting. The first two amendments (SECTIONS 5 & 6) provide an exemption for doors, stairs and ladders, when providing access to non-public service areas. The third and fourth amendments (SECTIONS 7 & 8) allows these same non-public service areas to be served by a single non-enclosed exit. These provisions are similar to what were allowed in the '97 UBC.

SECTION 09: Section 18.05.853 (IBC Chapter 13): This amendment deletes provisions for energy regulations that the City does not currently enforce. The intent was to delete the chapter during the original IBC/IRC code adoption in February 2002.

SECTION 10: Section 18.05.856 (IBC Section 1503.4): On roof drainage, the IBC refers the user to the International Plumbing Code (IPC) for requirements. Since the city did not adopt the IPC and removed the roof drainage provisions from the Uniform Plumbing Code (UPC) through adoption, it has become necessary to amend the building code to include standards for roof drainage. These provisions establish the design criteria that architects and engineers will use for proper roof drainage on structures.

SECTION 11: Section 18.05.875 (IBC Section 1605.11.2.1): This amendment eliminates the roof live load reductions allowed by the IBC. On prior code adoptions, it has been the practice to eliminate the reduction and allow the 20 PSF live load to be the minimum requirement.

SECTION 12: Section 18.05.1035 (IBC Table 2902.1): The proposed revisions to Table 2902.1 clean up a variety of issues, some of which were not addressed by either the plumbing or building codes. Others eliminate provisions that are more restrictive than currently enforced.

SECTIONS 13, 14, 15 and 16 (IRC Sections R310.1, R310.1.1, R310.1.2, and R310.1.3): The proposed revisions provide clarification and additional alternatives for required emergency egress windows (particularly from basement areas). These were developed with building industry representatives and the Wichita Fire Department that tested window sizes and access/egress with a large fireman in full gear.

There are no costs to the City associated with adoption of the ordinance. Also, there are no building permit fee changes included in the ordinance.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the changes be approved and the Ordinance be placed on first reading Motion carried 7 to 0.

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ORDINANCE

An Ordinance creating Sections 18.05.317, 18.05.318, 18.05.395, 18.05.415, 18.05.635, 18.05.682, 18.05.683, 18.05.853, 18.05.856, 18.05.875, 18.05.1035, 18.06.155 and 18.06.165; amending Sections 18.05.600, 18.06.160 and 18.06.170; and repealing the originals of said Amended Sections, all in the Code of the City of Wichita, Kansas, and pertaining to the Building codes of the City of Wichita, Kansas, introduced and under the rules laid over.

MECHANICAL CODE CHANGE TO THE MECHANICAL CODE (TITLE 22).

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 02-1736

The Board of Appeals of Refrigeration, Air-Conditioning, Warm Air Heating and Boilers (Mechanical Board), and the Office of Central Inspection recommend that the amendments to the City of Wichita Mechanical Code (Title 22) be approved.

The City of Wichita's Mechanical Code (Title 22) currently incorporates the 1997 edition of the Uniform Mechanical Code developed by the International Association of Plumbing and Mechanical Officials (IAPMO). This national model code has been updated nationally every three years, and the City of Wichita has generally updated its local ordinance on the same three-year cycle to assure that Wichita is using the most current codes, as well as the most current, tested and certified installation practices, materials and products.

The national, model mechanical code used as the basis for the City's local Mechanical Code has and continues to be used hand-in-hand with, and complements the City's locally adopted Building Code. In the current mechanical code cycle, two national model mechanical codes were reviewed, the 2000 Edition of the Uniform Mechanical Code (UMC) and the 2000 Edition of the International Mechanical Code (IMC). This was necessary because Wichita was reviewing the 2000 Editions of the new International Building & International Residential Codes as the City's Building Code (these were eventually adopted in February 2002). These International Building Codes were replacing the Uniform Building Code (UBC) that had been used by Wichita for many years, but was no longer being published, effective in the 2000 building code cycle.

Generally, the idea of a single, national model building code with a single family of trade-related model codes has been supported and endorsed by most national design, building, building owner, housing construction and other building construction groups, primarily because it will provide consistency and greater efficiency in design and construction throughout the United States. Wichita's own local Wichita Area Builders Association, local commercial building contractor groups, building owner/management groups and local chapter of the American Institute of Architects have also been supportive of this new single family of model codes, which includes the International Building, International Residential, International Mechanical, International Plumbing, International Fuel and Gas, and International Electrical Codes.

The national editions of the 2000 Uniform Mechanical Code (UMC) and International Mechanical Code (IMC) were published and made available for local review in the fall of 2000. Since then, the 2000 UMC and IMC have been reviewed by staff, committees representative of the local heating, refrigeration, air-conditioning and boiler industry, independent contractors, trades people and the design community (primarily the local 171 Pipe Fitters Union, Air-conditioning Contractors Association (ACCA), the Plumbing, Heating & Cooling Contractors Association (PHCC), and the City's Mechanical Board).

After the original review committee met in December 2000, on January 8, 2001, February 5, 2001 and February 26, 2001, and the Mechanical Board met each month through the spring and summer of 2001 at regularly-scheduled monthly Board meetings to review the new Codes, the Board decided to postpone final review of these two codes until it was determined that the International Building and

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International Residential Building Codes would indeed be adopted. The Mechanical Board decided that the adopted building code would carry significant weight on their final recommendations on a new/updated Mechanical Code. The Board believed that it would probably be best to adopt the 2000 International Mechanical Code (with local amendments) if the International Building and International Residential Building Codes were adopted.

The Mechanical Code Review Committee re-convened in November 2001 at the request of the Mechanical Board. The Review Committee provided their findings and recommendations to the Mechanical Board to use during the Board's own final code review. Through the late winter and spring of 2002, the Mechanical Board continued review of these two codes at their regularly-scheduled monthly Board meetings. The Board also scheduled several code review workshops during this period. All meetings of the committee and Mechanical Board were open to the public.

In May of 2002, the Mechanical Board voted to recommend adoption of the 2000 International Mechanical Code, with certain local amendments. Amendments were then finalized, and a general public hearing was conducted on July 15, 2002 to receive final public comment/input.

Many of the City's current local amendments to the Mechanical Code are being eliminated. This is because many of the local amendments that Wichita has made to the Uniform Mechanical Code in the past have now been incorporated into the 2000 International Mechanical Code document. However, there are still a number of local amendments being proposed.

The most significant amendments/changes to the City's current Mechanical Code are as follows:

- .. Section 22.04.010: Changes the 1997 edition of the Uniform Mechanical Code to the 2000 edition of the International Mechanical Code.
- .. Section 202 General Definitions: (Adds a couple of definitions from the 2000 International Building Code for clarification).
- .. Section 306.5: Equipment and appliances on roofs or elevated structures shall have a permanent means of access not to exceed fourteen (14) feet above grade level.
- .. Section 507.1 General: Clarification of approved use of type I and II cooking hoods.

There are no costs to the City associated with the adoption of the amended ordinance. Mechanical permit, contractor license and trade certificate fees are not changed.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the changes be approved and the Ordinance be placed on first reading Motion carried 7 to 0.

ORDINANCE

An Ordinance adopting the 2000 International Mechanical Code Amending Sections 22.04.010, 22.04.020, 22.04.251 and 22.04.300 of the Code of the City of Wichita, Kansas and repealing the original of said Amended Sections; creating Sections 22.04.011, 22.04.012, 22.04.013, 22.04.014, 22.04.016, 22.04.017, 22.04.018, 22.04.019, 22.04.022, 22.04.23, 22.04.024, 22.04.025, 22.04.026, 22.04.028, 22.04.029, 22.04.030, 22.04.031, 22.04.032, 22.04.034, 22.04.036.1, 22.04.036.3, 22.04.036.5, 22.04.036.7, 22.04.036.9, 22.04.036.11, 22.04.036.13, 22.04.035.15, 22.04.036.17, 22.04.036.19, 22.04.036.23, 22.04.036.24, 22.04.037 AND 22.04.037.4 of the Code of the City of Wichita, Kansas, and repealing Sections 22.04.021, 22.04.036, 22.04.037.1, 22.04.038, 22.04.039, 22.04.039.1, 22.04.039.2, 22.04.039.3, 22.04.039.4, 22.04.039.5 AND 22.04.039.6 of the Code of the City of Wichita, Kansas, all pertaining to the Mechanical Codes of the City of Wichita, Kansas, introduced and under the rules laid over.

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POLICE HORSES

CONTRACTED BOARDING FOR THE POLICE MOUNTED UNIT HORSES.

Norman Williams

Chief of Police reviewed the Item.

Agenda Report No. 02-1737

The Police Department's Mounted Horse Unit was formed in 1990. The unit is used periodically for crowd control functions, patrolling during RiverFest, mall parking lot duty (during the holiday season) and search missions. The seven participating horses are currently stabled at City-owned property near Furley.

To improve conditions for the horses, to reduce care costs, and to relocate closer to response areas, staff prepared an RFP for horse boarding services. Proposal requirements include offering pasture boarding, training areas (indoor and outdoor) and 24-hour on-site staff, feeding the horses, coordinating routine veterinary and farrier services, and providing tack room storage space and stable boarding, as needed (primarily if medically necessary for individual horses). The lowest cost response, which met proposal specifications, is the Wichita Riding Academy.

Keeping the horses at the Furley property costs an estimated \$108,250 annually. To provide minimal seven-day per week coverage (but not 24-hour on-site staff), 1.7 FTE Police Officer positions are required to be re-assigned from patrol duties. The location of the Furley property increases response times. Without additional improvements, the Furley property is not the best environment for keeping the horses, since it includes barbed wire fencing and a lack of pasture shelter. In-door training facilities are not available. The Furley site is less conducive, due to location and facilities, to the continued integration of the Mounted Unit into the community-policing paradigm (conducting school tours, etc).

The 2002 Adopted budget includes \$18,000 for Mounted Unit boarding, veterinary services and farrier services. Based on estimated usage, the boarding contract will require a budget of \$13,100 on an annual basis. In addition, estimated veterinary and farrier costs will be \$6,300 annually. The additional cost of boarding the horses will be re-allocated within the Police 2002 Revised budget. Overall, private boarding of the police horses will save the City more than \$100,000 from police resources.

The contract will be approved as to form by the Law Department.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

POLICE HELICOP.

PURCHASE OF POLICE HELICOPTER.

Norman Williams

Chief of Police reviewed the Item.

Agenda Report No. 02-1738

The Wichita Police Department Air Section has provided airborne public services for the Wichita metropolitan area since its inception in 1970. The Department currently operates a 15-year-old Hughes 300C piston engine helicopter for police specific missions. The helicopter has become a high-maintenance unit and is nearing the end of its useful life. After exhaustive research of two competing units, the Police Department is prepared to purchase a new MD 500E single engine turbine helicopter. Purchase of this new helicopter will ensure continued and reliable police air service to Wichita.

Over the last 18 months, the Police and Finance Departments' Staffs have conducted broad research regarding law enforcement air service within the Wichita community. Various alternatives, including privatization and leased aircraft, were examined. An extensive survey was administered seeking input from law enforcement personnel and citizen groups to gauge expectations regarding this type of police service. The research and subsequent survey concluded that an internal air service, maintained by the

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Police Department, offered the most effective and efficient model for police air service in this community. A Request for Purchase (RFP 200032) was solicited; after careful examination and evaluation, it was determined that the MD 500E helicopter provided the best alternative for the Police Department functions.

Funds for the purchase of the new helicopter were generated from a combination of resources including: Local Law Enforcement Block Grant funds, Narcotic Seizure funds, and sale of old equipment. Supplemental funding for police-related equipment for the new helicopter has been secured through a Community Oriented Policing Services (COPS) Technology grant. Total cost for the new helicopter is approximately \$830,000.

- Mayor Knight Mayor Knight said Bell Helicopter is a division of Textron, a company owned by Cessna. Eventually, how Bell Helicopter does affects the local community.
- Norman Williams Chief of Police explained that the initial purchase cost and direct operating costs were part of the consideration. Other considerations included maneuverability and speed. The Bell helicopter will not perform to the same level with the doors removed and other items (such as flares and search lights) added. When involved in chases, suspects now leave behind the current helicopter at 109 miles-per-hour.
- Mayor Knight Mayor Knight inquired if anyone wished to be heard.
- Teresa Brown-Foster Teresa Brown-Foster, President of the Northeast Area Neighborhood Association, spoke regarding the importance of the Police Department having up-to-date equipment.
- Emil Schreiber Emil Schreiber, an Augusta helicopter dealer, said the Request for Proposals included items that eliminated the Robinson R44. Mr. Schreiber also said the statement that piston technology is not as safe as turbine technology is false. From 1996 to 2000, The Robinson 44 had 6 accidents; the MD 500E had 76 accidents; and the Bell Ranger had 106 accidents. Fatality statistics were one (1) for the Robinson 44; 17 for the MD 500; and 15 for the Bell Ranger.
- Mr. Schreiber stated that the Robinson R44 is best suited for police department needs. The Robinson R44 also has local service and training, as well as better reliability and better safety.
- Mr. Schreiber asked that this Item be deferred for review.
- Motion -- Knight moved that this Item be deferred until the September 10, 2002, meeting for Staff examination of alternatives.
- Council Member Fearey Council Member Fearey expressed concern that Requests for Proposals might be written so just certain products will fit the requests.
- Council Member Pisciotte Council Member Pisciotte asked that Staff review include informing the City Council where the public interest is in making the decision.
- Mayor Knight Mayor Knight asked that the City Manager be personally, directly involved in making the review assessment.
- Council Member Martz Council Member Martz requested that the review also address the use, or non-use, of the proposal addressed by Mr. Schreiber; and input from the pilots be included.
- carried Motion carried 7 to 0.

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CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --
-- carried

Fearey moved that the appointment of Annie Best as alternate to DAB VI be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 19, 2002.

Bids were opened August 16, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications:

Goebel, from the east line of Lot 29, Block 1, to and including cul-de-sac to serve Harrison Park Second - Addition - north of Harry, east of Webb. (472-83612/765747/490858) Does not affect existing traffic. (District II)

Cornejo & Sons Inc. - \$88,048.00

Lateral 335, Four Mile Creek Sewer to serve Harrison Park Second Addition - north of Harry, east of Webb. (468-83475/743935/480623) Does not affect existing traffic. (District II)

K C Excavating - \$15,922.00 (Corrected)

Lateral 24, Cowskin Interceptor Sewer to serve Highland Springs Second Addition - west of 135th Street West, south of Central. (468-83029/743938 /480626) Does not affect existing traffic. (District V)

K.C. Excavating - \$69,999.00

Lateral 3, Main 2, North West Interceptor Sewer to serve Chadsworth Plaza -north of 21st Street North, east of Maize. (468-83447/743936/480624) Does not affect existing traffic; AND Water distribution system to serve Chadsworth Plaza - north of 21st Street North, east of Maize. (448-89691/735074/470744) Does not affect existing traffic. (District V)

Duling Construction – \$18,790.00 (Engineer's estimate)
16,826.00
\$35,616.00 (Total aggregate bid)

Water distribution system to serve Harrison Park Second Addition - north of Harry, east of Webb. (448-89706/735073/470743) Does not affect existing traffic. (District II)

WBW Contractors - \$14,721.00

Alley between Mead and Mosley from 10th to 11th Streets North to serve Sankey and McCall's Addition - south of 13th Street North, east of Broadway. (472-83254/765646/490757) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Cornejo & Sons Inc. - \$51,648.00

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Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Solidification & Disposal of Non-Hazardous Liquid Waste. (184754)

Utility Maintenance Contractors, LLC - \$ 0.041 (Disposal/cost per lb.)
\$75.00 (Pickup service/cost per load)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Demolition and Off Site Removal of Fairmount Park Pool and Pool House. (602459)

Cornejo & Sons Inc. - \$15,779.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Drainage at Colvin Neighborhood City Hall. (602445)

W.B. Carter Construction Co. - \$18,000.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: New Access Ramp & Railing Replacement at Park Villa. (602443)

Caro Construction Company Inc. - \$41,000.00 (Total net bid)

FINANCE DEPARTMENT/GOLF COURSES DIVISION: Rye Grass Seed and Turf-Type Fescue Seed. (210500)

Pueblo Chemical and Supply - \$28,355.00 (Group 1/total net bid)
Sharp Bros Seed Co. - \$3,202.80 (Group 2/total net bid)

POLICE DEPARTMENT/SWAT DIVISION: Motorola Radios. (602126)

Nex-Tech Inc. \$14,131.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Install New Gym Floors at Lynette Woodard Recreation Center and McAdams Recreation Center. (602438)

Maska Hardwood Flooring - \$114,816.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
Jesse D. Soria	Cholitas Mexican Restaurant Inc.*	8987 West Central
		<u>(Consumption off Premises)</u>
Chris Salove	Osco Drug Store #5111	2323 North Amidon
Chris Salove	Osco Drug Store #5132	2501 South Seneca
Chris Salove	Osco Drug Store #5135	4035 East Harry

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

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Motion -- Knight moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2002-2003 CDBG parking lot asphalt resurfacing improvements - north of 31st Street South, east of Meridian. (472-83600/602453/602455/602460/602462/602471/620333/800204/662456) Traffic to be maintained during construction using flagpersons and barricades. (District I, III & VI) - \$186,000.00
- b) Sewer reconstruction in connection with paving Alley between Mead and Mosley from 11th Street North to 10th Street North to serve Sankey and McCall's Addition - east of Broadway, south of 13th Street. (468-83190 /620299 /660424) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$90,000.00
- c) 2002 sanitary sewer reconstruction Phase 5 - east of West Street, north of Maple. (468-83476/620349 /662472) Traffic to be maintained during construction using flagpersons and barricades. (District III, IV & VI) - \$158,500.00

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

RENOVATE FACADE PETITION TO RENOVATE BUILDING FACADE AT 100 SOUTH MAIN – SOUTH OF DOUGLAS, EAST OF MAIN. (District I)

Agenda Report No. 02-1739

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. The owner of a building located at 100 S. Main has submitted the required Petition. The signature on the Petition represents 100% of the improvement district. The owner has also submitted the required facade easements.

The office building is known as Center Point at Main. It was formerly known as the Hardage Center. The proposed improvements include cleaning, tuckpointing, and sealing brick exterior walls, installation of a new sign, and repainting exterior surfaces.

City assistance is in the form of a five-year forgivable loan up to \$15,000 per visible façade, or 25% of the project cost, whichever is lower. The remaining amount is funded by Special Assessments. The Petition totals \$49,834, with a \$12,458 forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. The Law Department has approved the facade easements as to legal form. Approval of the Petitions does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion -- Knight moved that the Petition be approved; the façade easement be accepted; and the Resolution
-- carried adopted. Motion carried 7 to 0.

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RESOLUTION NO. 02-393

Resolution of findings of advisability and Resolution authorizing construction of façade improvements at 100 South Main Street (south of Douglas, east of Main Street), 472-83622, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET CLOSURE STREET CLOSURE - MT. VERNON, WEST OF SOUTHEAST BOULEVARD. (District III)

Agenda Report No. 02-1741

The Burlington Northern and Santa Fe Railroad Company has scheduled a project to adjust rail elevation and alignment at their crossing of Mt. Vernon Street, west of Southeast Boulevard. The railroad has scheduled preliminary work at the crossing to begin Wednesday, August 21st and are requesting the closure of Mt. Vernon between Ellis and Southeast Boulevard from approximately 8:30 a.m., Thursday, August 22nd until 4:00 p.m., Friday, August 23rd. During the closure the railroad will remove the existing concrete crossing material, accomplish elevation and alignment adjustments, reinstall the crossing material and necessary asphalt wedges for surface profile.

During the closure Mt. Vernon traffic will be detoured using Southeast Boulevard, Harry and Washington streets.

There are no financial considerations.

Motion -- carried Knight moved that the street closure be approved. Motion carried 7 to 0.

STREET CLOSURES SPECIAL EVENTS STREET CLOSURES.

Agenda Report No. 02-1741

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

1. Fireworks Display at the River (Sci-Fi Convention at Century II)
Friday, August 23, 2002 – 9:00 to 10:00 p.m.
--McLean from Douglas to Lewis Street
2. George Clinton Outdoor Concert on Farm & Art Market Plaza
Saturday, August 24, 2002 – 6:00 p.m. to 12:00 midnight
--Mosley from First Street to the south edge of River City Brewery to allow emergency access through alley.
--Rock Island from First Street to north edge of Farm & Art Market building (pedestrian traffic allowed on Rock Island).
3. Willie Nelson Outdoor Concert on Farm & Art Market Plaza
Saturday, August 30, 2002 – 6:00 p.m. to 12:00 midnight
--Mosley from First Street to the south edge of River City Brewery to allow emergency access through alley.
--Rock Island from First Street to north edge of Farm & Art Market building (pedestrian traffic allowed on Rock Island).

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Amendments to previous approval on August 13th Council Meeting for street closure:

4. Day of Remembrance, First Anniversary of September 11
Wednesday, September 11, 2002 – 6:00-8:30 a.m.
--McLean from First to Lewis Street
--Douglas Street from Seneca to Waco

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

WESTAR ENERGY

RELOCATION OF WESTAR ENERGY ELECTRIC LINES FOR THE EAST KELLOGG FREEWAY PROJECT – EDGEMOOR TO ARMOUR. (District II)

Agenda Report No. 02-1742

Westar Energy has overhead lines along east Kellogg, which provide street lighting and electrical service to the adjacent properties. To allow the construction of the East Kellogg Freeway, these lines must be relocated. Westar Energy will place the lines underground, with the cost difference between overhead and underground installation to be reimbursed by the City.

An Agreement has been prepared which formalizes this arrangement.

The City's portion of the relocation costs is \$675,000. The funding source is Local Sales Tax.

Motion --

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

LEGAL SERVICES

AMENDMENT TO LEGAL SERVICES.

Agenda Report No. 02-1743

The City retained Grace, Unruh and Pratt, L.C. to provide legal services in connection with pending employment litigation.

The original contract in June 2000, provided for compensation not to exceed \$9,999. It has become necessary to spend additional sums to complete the representation of the City and its employees in this matter. This is the third amendment to the original contract.

The additional sum covered by the Amendment is \$15,000 as necessary to complete the representation of the City and its employees in the litigation. The charges are reasonable in amount for the legal services required. Payment will be from the Tort Liability Fund.

The appropriate means to approve the additional payment is an Amendment to the original contract and raising the expenditure limit. The City Attorney's Office prepared the Amendment.

Motion --

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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DESIGN SERVICES FIRST AND SECOND STREET WEST DRAINAGE OUTFALL. (Districts IV and VI)

Agenda Report No. 02-1744

Major street flooding often occurs in the general area bounded by the Arkansas River on the east, Kellogg Avenue on the south, the Big Ditch on the west, and Zoo Boulevard/Central on the north. The most notable problem in this area is at the intersection of Douglas at West Street, but similar problems are scattered throughout the area. In recognition of these problems, in 1997, the City of Wichita selected MKEC Engineering Consultants to provide a drainage master plan for the area. In September 2000, the master plan report was submitted and recommended, among other things, that three new major storm sewer outlets (outfalls) be built in this area along Maple Street, the 1st and 2nd Street corridor, and 9th Street at an estimated cost of nearly \$50 million.

This project, the 1st and 2nd Street West Drainage Outfall, is the first of the recommended major outfalls to be programmed into the CIP (Project No. SW-862001). It is authorized for design beginning in 2002 with construction in 2004 and 2005. Engineering design services were estimated at \$750,000. Earlier this year, Requests for Proposals were sent to qualified consulting engineering firms and, on June 17, 2002, the Staff Screening and Selection Committee interviewed consultants and selected the consortium of Ruggles and Bohm/Baughman Engineering, Wichita, Kansas, to provide the engineering design services for the project. Baughman Engineering will be the contracting firm with Ruggles and Bohm acting as a sub-consultant.

The engineering design services are funded at \$750,000 in the 2002 CIP. The not-to-exceed fee negotiated with Baughman Engineering is \$240,000. The City Council, at its meeting on March 19, 2002, approved the project expenditure, the Resolution authorizing the issuance of bonds, and authorized the project for design.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - FLAT CREEK ADDITION – EAST OF 119TH STREET WEST, NORTH OF PAWNEE. (District V)

Agenda Report No. 02-1745

The City Council approved the project on June 5, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Flat Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$41,100, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES MURDOCK AT WABASH DRAINAGE IMPROVEMENTS. (Districts I and VI)

Agenda Report No. 02-1746

In 1998/1999, the City improved Murdock between Waco and St. Francis Streets, which included new storm drains and underground pipes. This new drainage system drained into an older system that runs from Wabash Street east to the Wichita Drainage Canal. This older system needs to be replaced to provide additional drainage capacity.

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This project, which is included in the 2002-2011 Capital Improvement Program (Project No. SW-868003) is funded for both design and construction in 2002. Earlier this year, Request for Proposals were sent to local engineering firms and, on June 17, 2002, the Staff Screening and Selection Committee interviewed consultants and selected TranSystems Corporation, Wichita, Kansas, to provide the engineering design services for this project.

The project is funded for both design and construction in 2002 at a cost of \$300,000. The proposed not-to-exceed fee for the design services is \$27,580. The City Council, at its meeting on March 19, 2002, approved the project expenditure, the resolution authorizing the issuance of bonds, and authorized the project for design and construction.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

HYDRAULIC

CHANGE ORDER - HYDRAULIC IMPROVEMENT, BETWEEN 47TH STREET SOUTH AND MACARTHUR. (District III)

Agenda Report No. 02-1747

On April 2, 2002, the City Council approved a construction contract for a drainage project associated with the improvement of Hydraulic, between 47th Street South and MacArthur. Part of the work is construction of a drainage detention pond. The State Department of Wildlife and Parks has requested that a fish grate be installed at the pond out-flow so that the pond can be stocked with fish.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$13,000. The funding source is General Obligation Bonds.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER LINE

48-INCH AND 66-INCH RAW WATER LINES.

Agenda Report No. 02-1748

On January 25, 2000, the City Council approved construction of a 66-inch raw water line from 21st Street and Zoo to the Water Treatment Plant to provide the maximum day demand in the event that the existing 48-inch raw water line from the Equus Beds wellfield was out of service. On May 22, 2001, the City Council approved rehabilitation of the 48-inch raw water pipeline that carries untreated water from the Equus Beds wellfield to the water treatment plant.

During the excavation work for the projects, circumstances were discovered which could not have been visible prior to actual excavation. Additional lengths of pipe and related fittings are required to connect to the existing facilities and to work around obstructions.

The total for the Change Order is \$22,573 (2% of the original contract). Funding is available in W-806 (Repairs to 48" Raw Water Pipeline) and W-807 (66" Raw Water Line, 21st/Zoo to WTP).

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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METH. INITIATIVE COPS METHAMPHETAMINE INITIATIVE GRANT.

Agenda Report No. 02-1749

The Police Department has been notified that it had received a COPS Methamphetamine Initiative Grant award in the amount of \$803,000. The grant award will be administered by the Community Oriented Policing Services (COPS), and represents a congressional earmark of federal money appropriated to the City of Wichita from Congressman Tiahrt's office. The Police Department responded to over 75 clandestine laboratory incidents in 2001 and 46 incidents for the first six months of 2002.

A COPS Methamphetamine Initiative grant provides funding for enforcement and training programs for law enforcement agencies to assist in combating methamphetamine production, distribution, and use, with a focus on community policing approaches to methamphetamine reduction. This grant award will provide funding for a variety of communication, technical, and safety equipment for investigating officers and first responders and also includes funds for training of personnel.

The City of Wichita has been awarded a COPS Methamphetamine Initiative Grant in the amount of \$803,000. No local match is required.

Motion -- carried Knight moved that acceptance of the Grant award be approved. Motion carried 7 to 0.

JANITORIAL SERV. JANITORIAL SERVICES FOR POLICE SUBSTATIONS.

Agenda Report No.02-1750

The Wichita Police Department operates four remote substations in the City that enable the Department to run all field services functions from the neighborhoods. The City of Wichita has contracted for janitorial services for these facilities in the past.

A Request for Proposal (FP200059) for janitorial services for Police substations was issued in an effort to obtain a qualified vendor, capable of adequately performing required janitorial services. The proposal was sent to 59 vendors and 8 responded. Based on experience, qualifications, level of service, and quality of work, Mid-America Building Maintenance, Inc. was selected as the vendor.

Funding for the janitorial services is part of the Police budget. Negotiations with the selected vendor were conducted on proposal specifications in order to provide services within budget estimates for 2002 and 2003 of approximately \$26,000.

The Law Department will review the contract as to form.

Motion -- Knight moved that the selection of Mid-America Building Maintenance, Inc. and Contract be approved;
-- carried and the necessary signatures be authorized. Motion carried 7 to 0.

WEAPONS WEAPONS DESTRUCTION.

Agenda Report 02-1751

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided, and includes a total of 77 long guns and 133 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

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There are no financial considerations.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 02-1752

On August 5, 2002 the Board of Code Standards (BCSA) held a hearing on the following nine (9) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Address</u>	<u>District</u>
1.	2252 North Erie	I
2.	711 East Antler	I
3	3649-57 E. Dunham	III
4.	628 North Cleveland	I
5.	1102 North Ash	I
6.	1239 North Poplar	I
7.	2308 North Wellington Place	VI
8.	1805 South Broadway	III
9.	1340-42 South Terrace	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolutions scheduling a public hearing on October 1, 2002, 9:30 a.m., or shortly thereafter, be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-383

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the west 165 feet of Lot 60, Hillside Gardens, Sedgwick County, Kansas, except the west 30 feet for street known as 2252 North Erie, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-384

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 11, Antler Avenue, Cottage Park Addition to Wichita, Sedgwick County, Kansas known as 711 East Antler, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-385

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 11, Block J, Planeview Subdivision No. 2, Sedgwick County, Kansas known as 3649-57 East Dunham, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-386

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 2-3, Shirk's Addition to Wichita, Sedgwick County, Kansas known as 628 North Cleveland, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-387

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 46-48, Norris Sub-Division, Wichita, Sedgwick County, Kansas, known as 1102 North Ash, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-388

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 65-67, Mona, now Poplar Street, Fairmount Park Addition to Wichita, Sedgwick County, Kansas known as 1239 North Poplar, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-389

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 18, Wellington Place, Walter Morris & Son's Addition to Wichita, Sedgwick County, Kansas known as 2308 North Wellington Pl., may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-390

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 102-104, Lawrence Avenue, English 7th Addition to Wichita, Sedgwick County, Kansas known as 1805 South Broadway, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-391

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 17, exc. the pt. east line 8.11 ft., northwest of northeast corner ext. south to pt. 45.4 ft. northwest of southeast corner, Block F, Hilltop Manor Sub, a replat of pt. Hilltop Manor and Hilltop Manor Second, Wichita, Sedgwick County, Kansas known as 1340-42 South Terrace, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET LIGHTING STREET LIGHTING RESOLUTION NO. 2-02.

Motion -- carried Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-394

A Resolution approving Street Lighting Resolution No. 2-02, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PLANNING AGENDA

Motion -- Knight moved that the Planning Agenda, EXCEPT Items 26 and 27, be approved as consensus Items.
-- carried Motion carried 7 to 0.

SUB2001-101 SUB2001-101 – PLAT OF ERNEST JORDAN ADDITION – SOUTH OF MAPLE, WEST OF HOOVER. (District V)

Agenda Report No. 02-1753

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

A zone change (ZON 2000-36) from SF-5, Single-Family Residential to LC, Limited Commercial has been approved for this site subject to platting. The plat is also subject to a Protective Overlay established by ZON 2000-36, addressing permitted uses, landscaping, screening, lighting and architectural design.

Petitions, all 100%, have been submitted for sewer and paving improvements. A petition for water improvements has also been submitted although this petition is not 100%. A Certificate of Petitions has also been submitted. A No Protest petition for paving of Brummet was also submitted. The site is within the noise impact area of Wichita Mid-Continental Airport and an avigational easement and restrictive covenant were required. A Protective Overlay Certificate was provided identifying the approved Protective Overlay.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, avigational easement, restrictive covenant, and Protective Overlay Certificate will be recorded with the Register of Deeds.

Motion -- Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the
-- carried Resolution be adopted; and the ZON2000-36 Ordinance be placed on first reading. Motion carried
7 to 0.

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RESOLUTION NO. 02-396

Resolution of findings of advisability and Resolution authorizing improving of Lateral 63, Main 4, Southwest Interceptor Sewer (south of Maple, west of Hoover) 468-83422, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON2000-36

SUB2002-45

SUB2002-45 – PLAT OF STEVENS THIRD ADDITION – SOUTHEAST CORNER OF KELLOGG AND GREENWICH ROAD. (District II)

Agenda Report No. 02-1754

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This is a replat of a plat previously approved. A zone change (ZON 2001-01) from SF-5, Single-Family Residential to LC, Limited Commercial has been approved for the south portion of this site by City Council on March 19, 2002. Municipal facilities are available to serve the site. In order to guarantee the closure of a driveway required by access control being dedicated by this plat, the applicant has submitted a cash guarantee.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion --

Knight moved that the Plat be approved; the necessary signatures be authorized; and the ZON2001-01 Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON2001-01

SUB2002-46

SUB2002-46 – PLAT OF HAMILTON MIDDLE SCHOOL ADDITION – NORTH OF HARRY, WEST SIDE OF BROADWAY. (District I)

Agenda Report No. 02-1755

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This is a replat of plats previously approved. Municipal facilities are available to serve the site. In order to serve this site, a temporary sanitary sewer easement has been provided by separate instrument which will expire on the abandonment of the existing sanitary sewer line.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The temporary sanitary sewer easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the document and Plat be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2002-00019

**VAC2002-00019 – VACATE PORTION OF GREENBRIAR MANOR ADDITION –
SOUTHWEST CORNER OF 29TH STREET NORTH AND OLIVER INTERSECTION.**
(District I)

Agenda Report No. 02-1756

Staff Recommendation: Approve.
MAPC Recommendation: Approve. (unanimous)

The applicant proposes to vacate a portion of the Greenbriar Manor Addition, per the legal description. The Greenbriar Manor Addition was recorded February 8, 1960. This portion of the subdivision is not developed. The vacation request includes:

- (1) Lots 1-19, Block 10 (along the north side of 28th Street North & the east side of Pershing Avenue, zoned MF-29), Lot 20, Block 10 (approximately 11 acres on the southwest corner of Oliver and 29th Street North and zoned LC) and Lots 11-31, Block 8 (along the south side of 28th Street North & west the side of Pershing Avenue, zoned SF-5).
- (2) 10-foot utility easements in the side between Lots 14 & 15, 19 & 20, 24 & 25, & 28 & 29 of Block 8 and between Lots 15 & 16, 12 & 13, 11 & 12, 8 & 9, 4 & 5, of Block 10
- (3) 16-foot utility easement between Lots 1-20, Block 10.
- (4) The 30-foot front building setback line on Lots 1-19, Block 10 & Lots 11-31, Block 8, running parallel and adjacent to Pershing & 28th Street North.
- (5) The 15-foot building setback line on Lot 11, Block 8 & Lot 19, Block 10 running parallel and adjacent to Oliver.
- (6) 28th Street North and Pershing Avenue, as recorded on the plat; these roads are not developed.

The applicant proposes to replat in the future; some considerations in the replat include:

- (a) Access to the southern portion of the vacated property as advised as being located a minimum of approximately 200-feet north of 27th Street North. All access to the property to be approved by the City Engineer.
- (b) Any replat along Oliver frontage along this location after August of 2002 possibly will require 60-foot for ROW not the current 50-foot.
- (c) Provide substitute easements of 20-foot to service all the replatted property.
- (d) Vacated setbacks are replaced with current UZC setbacks.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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CON2001-00069 **CON2001-00069 – CONDITIONAL USE TO ALLOW PORTABLE ROCK CRUSHER IN A GENERAL INDUSTRIAL ZONING DISTRICT – WEST SIDE OF OHIO STREET AND ¼ MILE NORTH OF 29TH STREET NORTH.** (District VI)

Council Member Fearey Council Member Fearey explained that the Applicant had requested a deferral of this Item.

Motion -- carried Fearey moved that this item be deferred until September 17, 2002. Motion carried 7 to 0.

ZON2002-00039 **ZON2002-00039 AND CON2002-00033 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO-FAMILY RESIDENTIAL AND CONDITIONAL USE FOR MULTI-FAMILY USE – SOUTHWEST CORNER OF HOOVER ROAD AND ST. LOUIS AVENUE.**
/CON2002-00033 (District IV)

Agenda Report No. 02-1758

MAPC Recommendation: Approve, subject to staff recommendation (10-0).

Staff Recommendation: Approve, subject platting within one year and to conditions.

DAB Recommendation: Deny (4-3).

The applicant is requesting a zone change from “SF-5” Single-Family Residential to “TF-3” Two-Family Residential and a Conditional Use for multi-family residential use on a 1.6 acre unplatted tract located on the southwest corner of Hoover Road and St. Louis. The rear property line of the tract abuts I-235.

The proposed site plan shows five duplexes fronting onto Hoover Road. The duplexes would be set as close as possible to Hoover to be farther from I-235.

The surrounding area is developed with single-family dwellings. All the property in the vicinity is zoned “SF-5” Single-Family except for two lots directly to the east that are zoned “TF-3” Two-Family.

At the District IV Advisory Board held July 17, 2002, the Board voted (4-3) to recommend denial of the requested zone change and Conditional Use. One concern voiced was the need for at least two off-street parking spaces per dwelling unit to avoid on-street parking. Only one space per unit was shown on the proposed site plan (the space within the garage), and it was felt that the arrangement would result in parking within the front setback on the paved driveway between the garage and street, as well as on the street; and that this would create undue congestion on the street for existing residents. Other concerns were maintenance of the units, maintenance of the rear of the lot that is proposed as open space, and the effects of increased density on the surrounding neighborhood.

At the MAPC meeting held July 25, 2002, MAPC voted (10-0) to approve subject to staff recommendation of platting within one year and subject to the following conditions:

1. The use of the property shall be restricted to those uses permitted in the “SF-5” Single-Family Residential zoning district and to duplexes with a maximum density of 10 dwelling units.
2. The applicant shall guarantee paving of the pro rata share of Hoover Road.
3. The Conditional Use shall be developed in general conformance with the site plan. Any substantial change in the site plan shall require an amendment to this Conditional Use.
3. The dwellings shall be in general conformance to the building elevations consisting of a front façade with a combination of brick or masonry and wood frame, composite, or vinyl siding, and a pitched roof. Floor plan modifications utilizing the same general site layout shall be allowed and plans that reduce the prominence of the garage on the front of the structure shall be encouraged.

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4. A landscaped street yard consisting of a minimum of 5,000 square feet of landscaped area and 10 trees located within the area between the street wall line and the right-of-way line of Hoover Road shall be established and maintained in accordance with the requirements of the Landscape Ordinance of City of Wichita.
5. The parking areas and driveways located in the front yard or street side yard shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
6. No duplex shall be divided or sold as a separate ownership unless the duplex is replatted or subject to a lot split AND separate public water and sewer is provided to each separate ownership.
7. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
8. Any substantial violation of these conditions shall be reviewed and if determined not to be in compliance with these conditions, shall render this Conditional Use null and void.

Protests have been received, but are less than the 20 percent (1.8 percent) that would require supermajority vote by the Wichita City Council.

Council Member Gale Council Member Gale reviewed the Item.

Motion -- Gale moved that Council concur with findings of the MAPC and approve the zone change and Conditional Use Permit, subject to the recommended conditions and platting within one year and revisions to density and parking issues addressed; the Resolution be adopted; and the Ordinance be placed on first reading when the Plat is forwarded to City Council. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-395

A Resolution authorizing a Conditional Use to allow multi-family residential, on 1.6 acres zoned "TF-3" two-family residential, located on the southwest corner of Hoover Road and St. Louis Avenue, in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance no. 44-975, as amended, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ZON2002-00033

ZON2002-00033 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL – EAST OF WEBB ROAD, NORTH OF CHAMBERLAIN. (District II)

Agenda Report No. 02-1759

MAPC Recommendation: Approve, subject to staff recommendations. (12-0)
DAB Recommendation: Approve, subject to staff recommendations. (13-0)
Staff Recommendation: Approve, subject to platting within one year.

The applicant is seeking "GC" General Commercial zoning for three unplatted tracts comprising 1.6 acres located east of Webb Road and north of Chamberlain. These three properties are currently zoned "SF-5" Single-family Residential. The property closest to Webb Road has an existing building that may be vacant, and was at one time occupied by County EMS. The other two tracts are vacant. The application states the reason for the request is "to develop the property for commercial use." Additional discussions with the applicant's agent indicate that a strip mall or small office-commercial center similar to others located in nearby developments is intended. Staff is also advised that the zoning is not being requested to expand the All Star Sports complex located to the northeast. The application area contains a number of older trees. This site is located within "Area A" of the "Airport Hazard Map" which limits heights to 25 feet unless specifically reviewed and permitted by a separate procedure.

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Property to the north is zoned "GC" General Commercial and is developed with two commercial buildings and an outdoor recreational use (All Star Sports). Land located to the east, south and west is zoned "SF-5" Single-family Residential. Properties to the east and south are developed with single-family homes of varying age, type and maintenance level. Property to the west is developed with Minneha Elementary School. A wooden fence exists along the south half of the common lot located east of the application area. A hedgerow of trees is located along the northern half of that same common lot line. Further to the north and south of the application area, properties are zoned "LI" Limited Industrial. Raytheon Aircraft, its runway and related aircraft businesses are the dominant land use further east and south of the application area. With the exception of the properties fronting Webb and Central, the general area's development pattern was established during World War II, and there have been minimal changes to the properties located east of Webb and north of re-located Central. Properties fronting Webb and re-located Central have recently seen re-development.

If this request is approved, the site will have to be developed in compliance with compatibility setbacks, screening and buffering, as well as with the Landscape Ordinance. The property will need to be platted. At the time of platting, access controls, road improvements and other typical improvements would be determined (e.g. complete access control to Webb Road, and guarantees for improvements that could include left-turn lane, signalization and paving).

District Advisory Board II reviewed this request on July 15, 2002, and recommended approval 13-0. DAB members asked questions regarding the trees on the site, what type of uses were envisioned, and why the applicant did not ask for "LC" Limited Commercial zoning. The Metropolitan Area Planning Commission heard this case on July 25, 2002, and recommended approval, subject to platting within one year. No citizen comments were received at either the DAB or MAPC meetings.

No protest petitions have been received.

Motion --

-- carried

Knight moved that Council concur with the findings of the MAPC and approve the zone change, subject to platting within one year; and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Knight moved that the Airport Agenda be approved as consensus Items. Motion carried 7 to 0.

AIRPORT

GROUND MAINTENANCE SERVICES – SELECTION OF VENDOR.

Agenda Report No. 02-1760

On June 18, 2002, the City Council approved a change in farming operations on Wichita Mid-Continent Airport. This change was based upon recommendations made by the U. S. Department of Agriculture/Wildlife Services in an effort to reduce hazardous wildlife attractants on or near the airport, and called for the elimination of all row production within the airport environment. Furthermore, the recommendation suggested that the airport environment be maintained in a monoculture of fescue grass. In carrying out these recommendations, sealed Requests for Proposals were accepted in the office of the City Purchasing Manager on August 7, 2002 for the provision of ground maintenance services at Wichita Mid-Continent Airport. Fourteen contractors attended a pre-proposal conference on July 31, 2002, and six of these contractors submitted proposals for this work.

A selection committee composed of three individuals reviewed the proposals. Each proposal was evaluated on the basis of qualifications, experience, available equipment, operations and costs. Based on this criteria, Bergkamp Farms was recommended to provide these services.

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The proposal submitted by Bergkamp Farms for the five-year period is \$267,766. The first budget year, commencing September 1, 2002, is the most costly (\$145,550) as a result of disking, and the application of herbicides and planting of the grass. Subsequent years will be less (\$24,443) per year in that only mowing operations will be conducted. Expenditures will be financed with airport revenues.

Motion --

Knight moved that the Airport Fund budget be increased by \$145,550 in 2002 and \$24,443 in 2003 and annually thereafter; the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ADJOURNMENT

The City Council meeting adjourned at 10:42 a.m.

Pat Burnett CMC
City Clerk